

EXECUTIVE SUMMARY

Introduction

The California Fish and Game Commission (Commission) is considering a proposed network of marine protected areas (MPAs) that would be situated in state waters off the northern coast of California, between Alder Creek (near Point Arena) and the California/Oregon border, in accordance with the Marine Life Protection Act (MLPA). This proposal, which consists of modifications to the Commission's regulations governing MPAs off the northern California coast, is considered a "project" for the purposes of the California Environmental Quality Act of 1970 (CEQA), as amended, and is referred to as the "Proposed Project" throughout this document.

The California Department of Fish and Game (Department) has prepared this Draft Environmental Impact Report (DEIR) on behalf of the Commission, and to provide other responsible agencies and the public with information about the potential environmental effects of the Proposed Project. This DEIR was prepared in compliance with CEQA and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.).

Proposed Project Overview

Proposed Project Background

In 1999, the MLPA was signed in to law (Stats. 1999, Chapter 1015; now found in Chapter 10.5 of the California Fish and Game Code, Sections 2850–2863). In determining the need for the MLPA, the legislature found that California's marine ecosystems and biological diversity are vital assets to the state and nation, and the health of those assets is threatened by human activities. The MLPA directs the state, through the Commission, to redesign California's system of MPAs to function as a network in order to: increase coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational, and study opportunities provided by marine ecosystems.

In August 2004, the California Natural Resources Agency, the Department, and the Resources Legacy Fund Foundation (RLFF) launched the MLPA Initiative partnership. Planning groups established for the MLPA Initiative included a MLPA Blue Ribbon Task Force (BRTF), MLPA Master Plan Science Advisory Team (SAT), a statewide stakeholder interest group (SIG), regional stakeholder groups (RSGs), and contracted MLPA Initiative staff. Rather than attempting to design a single MPA network for the entire state at one time, the MLPA Initiative recommended a series of regional processes by dividing the state into five study regions: North Coast, North Central Coast, San Francisco Bay, Central Coast, and South Central Coast.

The Proposed Project consists of the reevaluation of MPAs within the northern California coast component of the statewide network of MPAs, which is defined below as the North Coast Study Region. Currently, there are five existing MPAs located within the north coast area. The Proposed Project would change, add to, or reduce these individual MPAs and/or propose new areas for designation within the north coast region.

North Coast Study Region

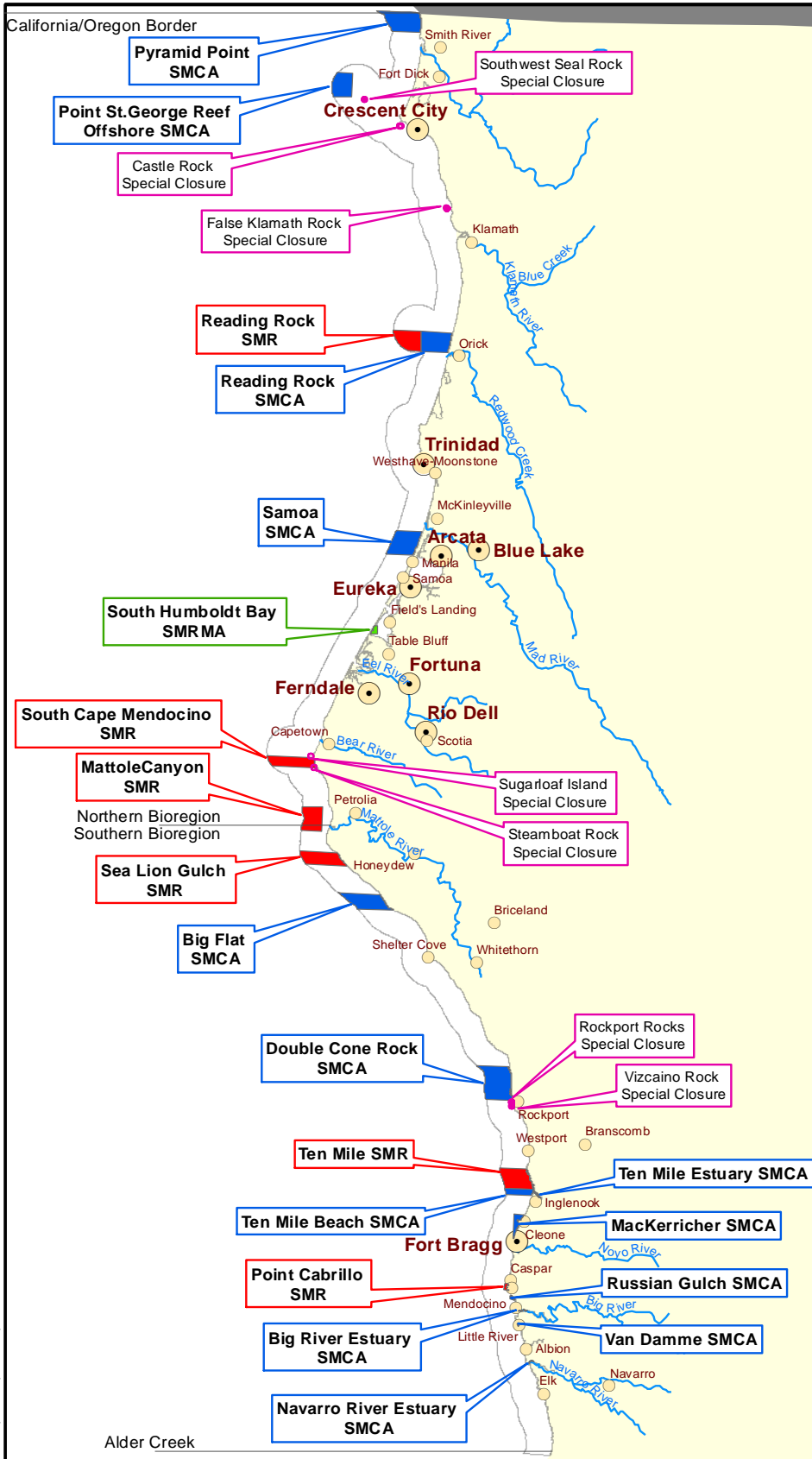
The Proposed Project is located in state waters along the northern California coast, from Alder Creek, 5 statute miles (mi) north of Point Arena in Mendocino County, to the California/Oregon border in Del Norte County (**Figure ES-1**). The straight-line distance between these two points is approximately 225 mi, but the actual length of the shoreline is much longer (about 517 mi).

In general, state waters in the North Coast Study Region (Study Region) extend from the mean high-tide line to 3 nautical miles (nm) (3.4 mi) seaward along the mainland shore. However, state waters in the Study Region also include 3 nm around offshore rocks, such as Castle Rock and Southwest Seal Rock. In total, the Study Region is approximately 1,027 square statute miles (mi²) and extends from the shoreline (mean high-tide) to a maximum depth of approximately 1,667 feet in the underwater Mattole Canyon. Most of the Study Region is relatively shallow (less than 100 meters). The Study Region contains nearly 20 estuaries and lagoons greater than 0.5 mi² in size.

Project Development Process

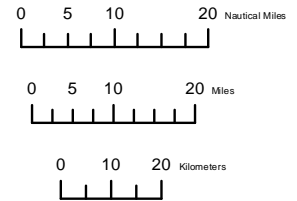
The Study Region process was the fourth regional MPA design process to be developed under the MLPA Initiative. As described more fully in Chapter 2, “Project Description,” a comprehensive process involving public, stakeholder, and agency participation was conducted between July 2009 and February 2011, in compliance with guidelines provided in the *California Marine Life Protection Act: Master Plan for Marine Protected Areas* (MLPA Master Plan) (MLPAI 2010). Following the strategy identified in the MLPA Master Plan, potential MPA designs for the Study Region were developed through several iterative rounds of proposal development, evaluation, and refinement, with input from members of the public, tribes, tribal communities, regional planning groups, the Department, the California Department of Parks and Recreation, and MLPA Initiative contract staff.

During the primary round of proposal development, self-organized community groups proposed eight different MPA networks that were submitted to the North Coast Regional Stakeholder Group (NCRSG). The NCRSG reviewed these proposals, as well as existing MPAs in the Study Region and other data, and underwent two additional rounds of proposal development, culminating in a single proposal submitted to the BRTF. Based on this proposal from the NCRSG, the BRTF presented the Commission with two MPA proposals and recommendations for consideration in determining a preferred alternative. The two alternatives were the “Revised Round 3 NCRSG MPA Proposal” (RNCP) and the “BRTF Enhanced Compliance Alternative” (ECA). The Commission reviewed these proposals for feasibility and achievement of the MLPA Goals and Regional Objectives (see below). This process ultimately resulted in the development of the Proposed Project and its alternatives.



Legend

- Proposed State Marine Conservation Area (SMCA)
- Proposed State Marine Park (SMP)
- Proposed State Marine Reserve (SMR)
- Proposed State Marine Recreational Management Area (SMRMA)
- Proposed Special Closure
- North Coast Study Region



Created by CDFG Marine Region GIS

Date: 11 July 2011

For more information, visit:
<http://www.dfg.ca.gov/mlpa>

Disclaimer

This map represents the Marine Protected Area (MPA) proposal selected by the California Fish and Game Commission on June 29, 2011 as its preferred alternative for inclusion in the environmental review process and rule making package for the North Coast Study Region. Additional information is available on the MLPA website (see above).

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**Figure ES-1
 Proposed Project**

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Proposed Project Objectives

The MPA design process included setting MLPA goals (codified in MLPA Section 2853[b]) and setting regional objectives intended to help achieve those goals, then identifying the intent for a particular site and the objectives and site-specific rationales for individual MPAs. Goals and regional objectives influence crucial decisions regarding MPA size, location and boundaries, management measures, and informed monitoring and evaluation programs.

The Proposed Project was developed to achieve the following MLPA goals and regional objectives:

Goal 1: To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems;

- Regional Objective 1.1: Protect and maintain species diversity and abundance consistent with natural fluctuations, including areas of high native species diversity and representative habitats.
- Regional Objective 1.2: Protect areas with diverse habitat types in close proximity to each other.
- Regional Objective 1.3: Protect natural size and age structure and genetic diversity of populations in representative habitats.
- Regional Objective 1.4: Protect natural trophic structure and food webs in representative habitats.
- Regional Objective 1.5: Promote recovery of natural communities from disturbances both natural and human induced.

Goal 2: To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted;

- Regional Objective 2.1: Help protect or rebuild populations of rare, threatened, endangered, depressed, depleted, or overfished species and the habitats and ecosystem functions upon which they rely.
- Regional Objective 2.2: Sustain or increase reproduction by species likely to benefit from MPAs and promote retention of large, mature individuals.
- Regional Objective 2.3: Sustain or increase reproduction by species likely to benefit from MPAs through protection of breeding, foraging, rearing or nursery areas or other areas where species congregate.
- Regional Objective 2.4: Protect selected species and the habitats on which they depend while allowing the commercial and/or recreational harvest of migratory, highly mobile, or other species where appropriate through the use of state marine conservation areas and state marine parks.

Goal 3: To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity;

- Regional Objective 3.1: Sustain or enhance cultural, recreational, and educational experiences and uses.
- Regional Objective 3.2: Provide opportunities for scientifically valid studies, including studies on MPA effectiveness and other research benefiting from areas with minimal or restricted human disturbance.
- Regional Objective 3.3: Provide opportunities for collaborative scientific monitoring and research projects that evaluate MPAs while promoting adaptive management and links with fisheries management, seabird and mammals information needs, classroom science curricula, cooperative fisheries research and volunteer efforts, and identify participants.

Goal 4: To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value;

- Regional Objective 4.1: Include within MPAs key and unique habitats identified by the MLPA Master Plan Science Advisory Team for the North Coast Study Region.
- Regional Objective 4.2: Include and replicate to the extent practicable representatives of all marine habitats identified in the MLPA or the California MLPA Master Plan for Marine Protected Areas across a range of depths.

Goal 5: To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.

- Regional Objective 5.1: Provide opportunities for interested parties to help develop objectives and ensure that each MPA is linked to one or more regional objectives.
- Regional Objective 5.2: To the extent possible, effectively use scientific guidelines in the California MLPA Master Plan for Marine Protected Areas.
- Regional Objective 5.3: Ensure public understanding of, compliance with, and stakeholder support for MPA boundaries and regulations.
- Regional Objective 5.4: Include simple, clear, and focused site-specific objectives/rationales for each MPA and ensure that site-specific rationales for each MPA reflect one or more goals and regional objectives.

Goal 6: To ensure that the state's MPAs are designed and managed, to the extent possible, as a component of a statewide network.

- Regional Objective 6.1: Ensure ecological connectivity within and between regional components of the statewide network.
- Regional Objective 6.2: Provide for protection and connectivity of habitat for those species that utilize different habitats over their lifetime.

Public Involvement Process

Scoping Comment Period

In accordance with State CEQA Guidelines (14 CCR 15082[a], 15103, 15375), the Department circulated a Notice of Preparation (NOP) of a DEIR for the Proposed Project on September 12, 2011 (Appendix A). The NOP, in which the Commission was identified as lead agency for the Proposed Project, was circulated to the public; to local, state, and federal agencies; and to other interested parties. The purpose of the NOP was to inform responsible agencies and the public that the Proposed Project could have significant effects on the environment and to solicit their comments.

To provide the public and regulatory agencies an opportunity to ask questions and submit comments on the scope of the EIR, public scoping meetings were held during the NOP review period. Because the MLPA Program is a “project of statewide, regional, or area wide significance,” the scoping meetings were conducted in four different locations adjacent to the Study Region. The scoping meetings were held in Crescent City on September 26, 2011; Fortuna on September 27, 2011; Fort Bragg on September 28, 2011; and Sacramento on October 4, 2011.

Approximately 27 people attended the four scoping meetings and multiple comment letters were received during the scoping period. These comments were summarized and included in their entirety in the Scoping Report prepared for this EIR (Appendix A).

Public and Agency Review of the DEIR

This document will be circulated to local, state, and federal agencies and to interested organizations and individuals, including the general public, who may wish to review and comment on this DEIR. Its publication marks the beginning of a 45-day public review and comment period, which will end on the date stated in the Notice of Availability of the DEIR. Written comments concerning this DEIR should be directed to the address listed below.

Submittal of written comments via e-mail (Microsoft Word format) would be greatly appreciated.

MLPA North Coast CEQA
California Department of Fish and Game
c/o Horizon Water and Environment
P.O. Box 2727
Oakland, CA 94602
Email: MLPAComments@HorizonWater.com

All documents mentioned herein or related to the Proposed Project can be reviewed on any Department business day between the hours of 8 a.m. and 4 p.m.; at the Department's office located at 1812 Ninth Street, Sacramento, CA 95811; as well as at other Department Marine Region offices and various local public libraries as listed in the Notice of Availability of this DEIR. In addition, information about or related to the MLPA Program can be reviewed online at the Program website (<http://www.dfg.ca.gov/mlpa>).

Preparation of Final EIR

Written and oral comments received in response to the DEIR will be addressed in a final EIR (FEIR), which will include responses to comments, as well as revisions to the DEIR. The responses to comments will include written responses to substantive issues raised in comments received during the review period. The Commission will then review the Proposed Project, the FEIR, Department recommendations, and public and agency comments, and decide whether to certify the EIR and whether to authorize, modify, or deny the Proposed Project.

If significant impacts are identified by the EIR that cannot be mitigated to a level of insignificance and the Proposed Project is approved, a statement of overriding considerations must be included in the record of the project approval and mentioned in the notice of determination (14 CCR 15093[c]).

Areas of Known Controversy

Based on input during the scoping period (see "Public Involvement Process," above), several areas of public concern have been identified regarding the Proposed Project. These issues are listed below. The intent is not to provide a comprehensive discussion of issues and concerns, but instead to highlight the issues of apparent greatest concern raised in comments to date. The following areas of public concern have been identified regarding the Proposed Project:

- reasoning for activity restrictions;
- biological and economic effects associated with displacement;
- cultural resources and tribal practices; and
- enforcement capabilities.

Key Issues and Significant Impacts

This section discusses key issues of concern relative to the Proposed Project and the conclusions of this document regarding those issues, as well as any significant impacts that were identified. This is not a comprehensive discussion of impacts of the Proposed Project; the reader is directed to the appropriate chapters of this EIR for details. Environmental factors potentially affected by the Proposed Project include:

- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Environmental Justice
- Global Climate Change
- Land Uses and Utilities
- Public Services and Law Enforcement
- Recreation
- Research and Education
- Vessel Traffic
- Water Quality

Each of these environmental resource topics are addressed in Chapter 3, “Physical Resources”; Chapter 4, “Biological Resources”; Chapter 5, “Cultural Resources”; Chapter 6, “Social Resources”; and Chapter 7, “Other Statutory Considerations” of this DEIR.

Overall, the analysis of Proposed Project’s effects did not identify any potentially significant impacts that would require mitigation to reduce effects to a less-than-significant level, or that would be significant and unavoidable. Rather, adverse impacts were found to be *less than significant* for all resource topics, and in some cases effects were determined to have *no impact*.

Alternatives Considered

The purpose of the alternatives analysis in an EIR is to describe a range of reasonable alternatives to the project that could feasibly attain most of the objectives of the project. Section 15126.6 (b) of the CEQA Guidelines requires that the alternatives reduce or eliminate significant adverse environmental effects of the project; such alternatives may be more costly or otherwise impede to some degree the attainment of the project’s objectives. The range of alternatives considered must include those that offer substantial environmental advantages over the proposed project and may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors. The analysis evaluates the comparative merits of the alternatives (State CEQA Guidelines, Section 15126.6[a]).

As noted above, the analysis of the Proposed Project’s effects did not identify any significant adverse impacts. As such, the CEQA criterion that an alternative should reduce or eliminate one or more of the significant impacts of a proposed project was not applicable to the alternatives evaluation. Instead, the alternatives evaluated were considered with the aim of further reducing any of the Proposed Project’s impacts that were already found to be less than significant.

The following two alternatives were evaluated for their potential feasibility and their ability to achieve most of the Proposed Project’s objectives while further avoiding, reducing, or minimizing the impacts identified for the Proposed Project.

- Alternative 1—No Project Alternative
- Alternative 2—BRTF Enhanced Compliance Alternative (ECA)

These alternatives were determined to be feasible or potentially feasible, and would generally meet the Proposed Project’s objectives.

No Project Alternative

Under the No Project Alternative, the existing MPAs in the Study Region would continue to be enforced without adjustment. The existing MPAs established in the Study Region encompass less than 1% (or 3 mi²) of the Study Region's coastal waters and generally provide a low Level of Protection (LOP). In addition, there are no existing special closures under this alternative.

By having no effect at all on these resources, the No Project Alternative would avoid all potential adverse environmental effects of the Proposed Project associated with additional MPA locations and increased regulations. This includes the avoidance of biological effects associated with displacement, as well as land use and recreational conflicts, among others.

BRTF Enhanced Compliance Alternative (ECA)

The BRTF ECA uses the same general geographies as the MPAs under the Proposed Project, but incorporates tribal uses into the proposed state marine conservation areas (SMCAs) and increases in the LOP in several offshore areas. The following major distinctions are made between the Proposed Project and Alternative 2 MPA designations:

- SMCAs at MacKerricher, Russian Gulch, and Van Damme are not included under Alternative 2.
- The Big River Estuary is changed from an SMCA designation (Proposed Project) to a recommended state marine park (SMP) designation¹ (under Alternative 2).
- The Double Cone Rock SMCA, as described for the Proposed Project, would retain its original name (Vizcaino) under Alternative 2.
- Four SMCAs (Vizcaino, Pyramid Point, Samoa, and Big Flat) are divided into offshore and onshore SMCAs under Alternative 2, though overall boundary areas are maintained.
- Ten Mile Estuary and Navarro River Estuary are changed from an SMCA designation (Proposed Project) to an SMRMA designation under Alternative 2.
- There are no regulatory options for individual MPAs under this alternative.
- There are no special closures under Alternative 2.

For most of the resource topics, the alternatives analysis reveals that this alternative would have similar or fewer adverse environmental impacts overall. In particular, with the exclusion of special closures and several existing MPA locations, adverse effects on consumptive activities, recreational opportunities, land use conflicts, and demands on law enforcement would be slightly lessened. However, this alternative would result in reduced long-term contribution to improved habitats or marine species. Increases in LOPs and greater specificity on allowable species and gear usage under this alternative would result in greater impacts on tribal take practices especially with regard to federally recognized

¹ Only the State Park and Recreation Commission has the authority to establish an SMP. In this alternative, the Fish and Game Commission would adopt an SMCA for this location, and forward a recommendation to the State Park and Recreation Commission to designate the area as an SMP at their discretion.

tribes. However, the exclusion of special closures would allow greater access for tribes in these areas compared with the Proposed Project. The remaining impacts, including those on non-federally recognized tribal communities, would likely be similar as described for the Proposed Project.

Comparison of Alternatives and the Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative be selected from among the alternatives to the Proposed Project. CEQA does not provide a definition for the environmentally superior alternative; in general, however, the environmentally superior alternative is defined as that alternative with the fewest and least-adverse environmental impacts on the project site and its surrounding environment. Neither the two alternatives nor the Proposed Project would result in significant impacts on the environment. Therefore, the identification of the environmentally superior alternative focuses on the relative degree of less-than-significant impacts, as well as the relative degree of potential environmental benefit associated with each alternative as compared with the Proposed Project.

In the short term, Alternative 1 (No Project Alternative) would result in the least amount of fishing displacement and would have a reduced impact on a wide range of resources, including law enforcement demands, potential conflicts with land uses, recreational displacement, cultural practices, and socioeconomic effects, among others. However, in the long term, Alternative 2 (ECA Alternative) would provide greater habitat protection offshore and thus would provide a greater potential benefit to populations of marine species in the Study Region. The greater net benefit to biological resources from increased regulations within MPAs would offset the slightly adverse effects associated with displacement. Overall, the increase in restrictions would likely result in a healthier sustainable fishery population, which would reduce the overall distance from offshore MPA boundaries fishermen would need to travel for available marine resources. As such, considering all factors, including both short-term and long-term effects, for the purposes of CEQA, Alternative 2 is considered to be the environmentally superior alternative to the No Project Alternative.